

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER BASILE,

Plaintiff,

– against –

THE MADISON SQUARE GARDEN COMPANY, an entity formed under the laws of the State of Delaware, and each of ANGELE DELROSSO, MIKE AVELLINO, ANTHONY SABELLA, FRANK CELENTANO, CHRISTOPHER SOTO, PHYLLIS SMITH, and ANTHONY MONGELLI in his/her individual capacity and official capacity as an employee/former employee and/or agent of The Madison Square Garden Company,

Defendants.

ORDER

17 Civ. 9060 (ER)

Ramos, D.J.:

Because Plaintiff has been granted permission to proceed IFP, Plaintiff is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)). Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that the summons and complaint be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served the summons and complaint until the Court reviewed the complaint and ordered that a summons be issued. The Court therefore extends the time to serve until 90 days after the date the summons is issued. If the complaint is not served within that time, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service); *see also Murray v. Pataki*,

378 F. App'x 50, 52 (2d Cir. 2010) (“As long as the [plaintiff proceeding IFP] provides the information necessary to identify the defendant, the Marshals’ failure to effect service automatically constitutes ‘good cause’ for an extension of time within the meaning of Rule 4(m).”).

To allow Plaintiff to effect service on Defendants Mike Avellino; Anthony Sabella; Christopher Soto; Anthony Mongelli; Phyllis Smith; and Frank Celentano, through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for each of these Defendants. The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon these Defendants. The last known addresses of the to-be-served defendants (as provided by defendant Madison Square Garden, Doc. 80), are attached to this Order.

It is SO ORDERED.

Dated: November 18, 2019
New York, New York



Edgardo Ramos, U.S.D.J.

ADDRESSES FOR SERVICE

- Mike Avellino
45-39 172nd Street
Flushing, New York 11358
- Anthony Sabella
1 Stuart Avenue
Malverne, New York 11565
- Frank Celentano
54-23 71st Street
Maspeth, New York 11378
- Christopher Soto
315 8th Avenue
Apt. 19F
New York, New York 10001
- Phyllis Smith
1469 Bedford Avenue
Apt. 3C
Brooklyn, New York 11216
- Anthony Mongelli
45-74 166th Street
Flushing, NY 11358